

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
PROVDING FOR THE ESTABLISHMENT
AND ADMINISTRATION OF A RECORDS
MANAGEMENT PROGRAM FOR THE CITY
OF ESCONDIDO

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. Ordinance No. 89-2 is hereby repealed.

SECTION 2. Purpose. The declared purpose of this Ordinance is to provide for
the proper and efficient management of public records of the City of Escondido.

SECTION 3. Definitions.

a. *City Clerk* means the City Clerk, or the designated representative of
the City Clerk of the City of Escondido.

b. *Office of Primary Responsibility* means the department having
responsibility for preserving original records until retention requirements have
been met. The OPR for specific records series is identified on the retention
schedules.

c. *Public Record* means any writing containing information relating to
the conduct of the public's business that is owned, used, or retained
regardless of physical form or characteristics, as defined in Government
Code 6252 et seq.

- i. Public Records inspection or duplication by members of the
public shall be in compliance with the California Public Records
Act, Government Code 6250 et seq.
- ii. Public Records (including those records not accessible to the
public) shall be the property of the City of Escondido.

- iii. All employees and officials, including elected officials, shall manage their records in compliance with Federal and State laws, and City of Escondido laws, policies and procedures.
- iv. All employees and officials, including elected officials, shall ensure the protection of public records, including, but not limited to, during separation from the City of Escondido.

d. *Records Management* means the application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposition of records in all formats and locations, undertaken to comply with law, protect appropriate records, increase transparency, reduce costs and improve efficiency in record keeping.

e. *Records Retention Schedule* means the document governing the length of time official records are retained, and which department is responsible for retaining the official record.

f. *Total Retention Period* means the period of time which must elapse before a record may be destroyed in compliance with City policies and procedures.

SECTION 4. Responsibilities.

a. City Council. The responsibility for establishing the Records Management program and delegating City officials the responsibility for creating and maintaining an efficient program in compliance with all federal, state and local laws and regulations.

b. City Clerk. It shall be the duty of the City Clerk to coordinate the Records Management Program for the City of Escondido. The City Clerk may, among all other things that may be required for the proper and efficient management of the public records of the City of Escondido:

- 1) Advise and assist City departments and employees in all aspects of the Records Management program.
- 2) Policies and Procedures. Train employees and officials on such policies and procedures as may be necessary and proper to implement and maintain the Records Management program.
- 3) Records Center(s). Provide and maintain Records Center(s) to house records not required in active office areas, but which require further retention.

- i. An index of all records stored in any Records Center must be created with the assistance and support of the Department storing such records.
 - ii. The index must accurately describe the records in sufficient detail to allow the efficient location, retrieval, and/or destruction pursuant to the City's Records Retention Schedule with the assistance and support of the Department storing such records.
 - iii. Records Center(s) may include commercial Records Centers approved by the City Clerk for retention of City of Escondido's Public Records.
- 4) Records Retention Schedule. Provide and maintain a Records Retention Schedule for all Departments, including any required amendments or modifications.
 - i. The Records Retention Schedule shall accurately describe official records, provide for their Total Retention Period, and an Office of Primary Responsibility to ensure all records are properly retained.
 - ii. With the consent of the Department Head, City Clerk, City Attorney and City Manager, amendments to the Records Retention Schedule are authorized to be made without first seeking the City Council's approval.
- 5) Records Destruction Policies and Procedures. Provide and maintain policies, procedures, forms, and training for department employees to destroy official public records that have exceeded their Total Retention in an authorized, documented, and routine manner.
- 6) Disaster Protection. Provide and maintain systems, policies and procedures to ensure the City's Public Records are protected from loss.
 - i. Systems may include Electronic Content Management Systems (ECMS), electronic records systems, digital document imaging, or microfilming programs in compliance with federal and state law.
 - ii. Develop policies and procedures to ensure legal compliance, as well as efficient and effective management of records stored in such systems.

- iii. Coordinate with other departments, including technology departments as required to ensure systems are compliant with federal and state law.
 - iv. Provide employee training.
- 7) Assessments, Audits, Investigations, Reports, Studies, Surveys. May perform assessments, audits, or develop reports to assess the efficiency and effectiveness of the Records Management Program on a Departmental basis, or City-wide basis.
- c. City Departments. It shall be the duty of City departments to establish and maintain an active, continuing program for the economical and efficient management of public records in their custody. Such program shall, among other things, provide for:
- 1) Effective controls over the creation, maintenance, use and destruction of the City's public records in full compliance with federal, state and City law, and in compliance with City policies and procedures, as developed by the City Clerk.

SECTION 5. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 11th day of August, 2021 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MORASCO, MARTINEZ, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Paul McNamara
CAACE20782954D3
PAUL MCNAMARA, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535D0BDC1430
ZACK BECK, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2021-06 passed at a regular meeting of the City Council of the City of Escondido held on the 11th day of August, 2021, after having been read at the regular meeting of said City Council held on the 14th day of July, 2021.

DocuSigned by:
Zack Beck
A58535D0BDC1430
ZACK BECK, City Clerk of the
City of Escondido, California

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